

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

GENE WAGERS, JR.,

Petitioner,

Case No. 3:13-cv-031

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

-v-

Warden, Lebanon Correctional Institution,

Respondent.

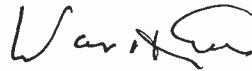
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**ORDER DISMISSING CASE**

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The Court having been advised of the Petitioner's death on February 2, 2013, the above-captioned action is DISMISSED AS MOOT. The Magistrate's Report and Recommendations (Doc. No. 3) is likewise stricken as moot.

February 25, 2013.



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Walter Herbert Rice  
United States District Judge